

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RECEIVED

JAN 12 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY LAMBOY,
Defendant,

vs.

UNITED STATES OF AMERICA,
Respondent.

Case No.: CR 06-0266-04
CRB

FILED

JAN 12 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOTION REQUESTING MODIFICATION OF SENTENCE

PURSUANT TO 18 U.S.C. §3582(C)(2)

NOW COMES Anthony Lamboy, Petitioner Pro Se' in the above styled action (hereinafter referred to as "Petitioner"), and respectfully moves this Honorable Court -- pursuant to U.S.C. §3582(c)(2) -- to utilize it's discretion to modify the Petitioner's sentence.

I. THE "DRUG MINUS TWO ACT OF 2014"

1. In May 2014, the United States Sentencing Commission ("Commission") signed into law the "Drugs Minus Two Act of 2014" (hereinafter "U.S.S.G. Amendment 782 -or- Amendment 782"), which was given permanent status by Congress on November 1, 2014 when it declined to take action on it after the Commission declared it retroactive by vote on July 18, 2014.

2. Since Amendment 782 was made retroactively applicable to most drug offenders sentenced prior to November 1, 2014, the Petitioner in this case is eligible for a sentence reduction because Amendment 782 has substantially lowered his prior guideline sentencing range by 25 to 30 months.

**II. COURT'S AUTHORITY TO MODIFY THE DEFENDANT'S SENTENCE PURSUANT TO
18 U.S.C. §3582(c)(2) IN LIGHT OF RETROACTIVE AMENDMENT 782**

3. The Petitioner comes before this Court seeking a reduction in sentence pursuant to 18 U.S.C. §3582(c)(2), which provides that a Court may modify a previously imposed sentence only if the defendant's sentencing range was subsequently -- and retroactively -- lowered by the Commission, pursuant to 28 U.S.C. §994(o). See Dillon vs. U.S., 560 U.S. 817 (2010).

**III. THE DEFENDANT HEREIN IS "ELIGIBLE " FOR A
SENTENCE REDUCTION UNDER AMENDMENT 782**

4. As stated in ¶2, supra, the Petitioner in this case is "eligible" for a sentence reduction because Amendment 782 "subsequently and substantially lowered his prior guideline sentencing range by up to 25 months based on the following facts:

- (A) Petitioner's amended guideline range is now at an adjusted guideline range of 97 to 121 months.
- (B) Petitioner was sentenced at the lower end of his original guideline range to a sentence of 120 months at his initial sentencing.
- (C) Petitioner qualifies for this reduction due to his original sentencing range becoming reduced by the Sentencing Commission's Amendment going retroactive on July 18, 2014.

**IV. REASONS WHY THIS COURT SHOULD GRANT THE PETITIONER'S REQUEST
FOR AN AMENDMENT 782 SENTENCE REDUCTION**

5. Having established above that the Petitioner is "eligible" for an Amendment 782 sentence reduction, this Court must now determine whether -- and to what extent -- a sentence reduction is warranted in the Petitioner's case. In support of why this Court should grant a 25 month sentence reduction in this case the Petitioner respectfully submits the following:

(1) Since incarceration I have been working to maintain consistent conduct that has awarded me the designation of a **minimum security - out custody classification**.

(2) I have diligently worked to prepare myself with practical skills that are essential and employable upon my release back into society. I have to my credit programs that help to encourage ethic-building, self-improvement, and strengthening my spiritual base. (See Exhibit #A)

(3) Currently, I am moving towards the final stages of meeting the criteria that will allow me participation in the **Residential Drug Abuse Program (RDAP)** that will give me the added support for a successful reintegration back into society.

(4) Finally, with the variety of programming offered in the BOP and that I have exposed myself to, I am hoping that I am able to show my diligence to this Honorable Court and other my continued efforts in wiping away a very bad act in my past. I am remorseful and willing to take full responsibility as I have from the beginning of this ordeal.

(5) The Petitioner offers the copies of his classes to provide the Court with a glimpse of how the Petitioner has spent many hours of his incarceration. (See Exhibit #A&B)

6. In addition to the foregoing, the Petitioner also recognizes that pursuant to 18 U.S.C. §3582(c)(2), this Court has a duty to consider the factors set forth in 18 U.S.C. 3553(a)(1), when deciding whether -- and to what extent -- to grant an Amendment 782 sentence reduction request. The Petitioner herein prays that after considering the §3553(a) factors applicable to the Petitioner, this Honorable Court will conclude that a 25 month reduction constitutes an appropriate disposition in this case.

CONCLUSION

In light of the foregoing facts and arguments, this Court should grant the

Petitioner's request for a 25 month sentence reduction, or otherwise grant whatever relief this Court deems just and proper.

Date: 1.5.15

Respectfully Submitted:

/s/ A. Lamboy
Anthony Lamboy
Reg. NO.: 93623-111
F.C.I. - Big Spring
1900 Simler Avenue
Big Spring, Texas 79720

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing 18 U.S.C. §3582 (c)(2) Motion was sent (via pre-paid First Class U.S. Mail) to the Clerk of Court on JANUARY 5, 2015.

SENT VIA USPS
CERTIFIED MAIL NO.
7012 2920 0002 2714 5259

/s/ A. Lamboy
Anthony Lamboy
Reg. No.: 93623-111
F.C.I. - Big Spring
1900 Simler Avenue
Big Spring, Texas 79720

January 5, 2015

The Honorable Charles R. Breyer
U.S. District Court for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

RE: Personal Letter For Consideration
Case No. CR 06-0266-04 CRB | 3582 Motion

To The Honorable Judge Breyer,

This letter is being submitted to this Honorable Court, personally written, in hopes that I can express my deepest apologies for my past actions which landed me in this current position. I have come to realize how damaging my choices were and I wish to apologize and accept responsibility for the wrong I have done to my family and my community. They have suffered the most from my selfish actions and endured significant hardships and difficulties that continue to this day. I also broke the trust of my community for the crime that I made the conscious decision to commit. Every day I agonize over the poor decisions I made and the behavior I was involved in but I must move forward in a positive direction Your Honor. I appreciate this Court's valuable time taken to evaluate my case and circumstances and for your consideration of a sentence reduction that has been requested.

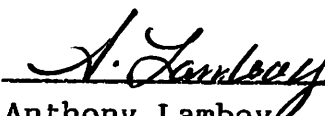
Since the start of my incarceration I believe I have worked diligently to prepare myself with practical skills that are, not only essential to everyday living but, useful to gainful employment upon my release from custody. I have involved myself in programs whenever they become available that encourage ethics and integrity, self-improvement and also strengthening my spiritual and moral base. For my eight year old daughter I have taken numerous parenting classes so that I am better prepared to be a great father that she deserves to have in her life. She has been through enough without her father involved in her proper upbringing. My classes have been well rounded and have concentrated also on helping me to become more self-reflective, self-critical and

the subjects of some have allowed me to reestablish the importance of empathic concern for others. I strongly believe these skills will help facilitate stronger relationships that I have with my family and everyone in my life and no doubt contribute to being a better man upon my release.

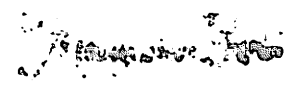
Your Honor, I am very much looking forward to being back with my family again, my friends, my community and most of all my daughter so that I am able to start the process of making amends for all the damage I caused. It is also a big excitement for me to put my skills and confidence to work by becoming a productive member of society and showing my family and loved ones that I can and will move past this in a positive manner.

In closing, I pray that this Court extends its mercy and further decides to grant me relief from my sentence following its thorough review of my Motion. Thank you again for your time and for reading my personal letter to this Honorable Court.

Respectfully Submitted,



Anthony Lamboy
Reg. No. 93623-111
FCI Big Spring



RE: LETTER IN SUPPORT

Dear Judge Breyer:

Sir, we are the parents of a federal inmate who is currently petitioning this court for a sentence reduction under a new amendment that was voted into law by the U.S. Sentencing Commission this past summer.

To the limited understanding that me and my husband have of the law, our son Anthony Lamboy has a chance for this law to help him receive a reduced sentence, but only at your discretion. Sir, Anthony is our oldest son and now served over six years of a non-violent drug crime to date and we are writing in hopes of showing our support for him. Of course we are aware of the serious nature involved with crimes of this kind and our son has also expressed his remorse for his part in them to us over the years.

We have witnessed our son's regrets many times for his involvement of such actions that has caused so much pain to him and our family. That pain has manifested in his absence in the lives of not only me and his father but also in the lives of his family, especially his eight year old daughter who he has had very little input in because of his lengthy period of incarceration.

Sir, we are asking for your mercy and leniency in considering the grant of his motion. As with any family, we would like to be whole again with the presence of our son being home. We would like to appeal to your parental side and if you are a parent, no matter your child's age you can understand our plea to this Court.

Sir, our son does have a support system in his family, a place to call home, where he is needed, welcomed, and loved. Again, we understand that it is only in the discretion of this Honorable Court to grant our son's request for a sentence reduction. So your Honor me and my family are asking for mercy and leniency so that our prayers may be realized in the name of our Lord.

Thank you for your time and consideration in this requested plea on behalf of our family.

Respectfully Submitted:

Dated: Dec. 22, 2014

/s/ 
Margarita Rubi

EXHIBIT - A

[Illegible signature]

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RSP OF: BIG-BIG SPRING FCI

FUNC: PRT

----- EDUCATION INFORMATION -----

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BIG	GED HAS	COMPLETED GED OR HS DIPLOMA	01-13-2009 1123	CURRENT

----- EDUCATION COURSES -----

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BIG	AFRICAN AMER. HIST. ACE CLASS	04-17-2014	05-22-2014	P	C	P	6
BIG	RPP 6 VICTIM IMPACT	10-25-2013	01-07-2014	P	C	P	20
BIG	HOBBYCRAFT BEGINNING BEAD CLS	10-05-2013	12-07-2013	P	C	P	16
BIG	ACE PAERSONAL TAXES	08-02-2013	09-25-2013	P	C	P	14
BIG	ACE 50 STATES AND SHAPES	08-01-2013	09-24-2013	P	C	P	14
BIG	22 HRS WELL/NUTRITION	07-15-2013	09-30-2013	P	W	V	0
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TAF SCP	NUTRITION/PERS TRAINER CAMP	07-17-2012	09-18-2012	P	C	P	20
TAF SCP	PARENT: CLASS CAMP	05-14-2012	06-11-2012	P	C	P	20
TAF SCP	FIN/PLAN CAMP WED 9-10 A4#1112	01-30-2012	04-24-2012	P	C	P	11
TAF SCP	MAN IN THE MIRROR - CAMP	11-14-2011	04-03-2012	P	C	P	20
TAF SCP	FIN/PLAN CAMP WED 8-9 A4 #1112	09-12-2011	12-28-2011	P	C	P	17
TAF SCP	RELATIONSHIP CC415 M 7:00-8:00	08-15-2011	11-17-2011	P	C	P	20
TAF SCP	VOC NON TECH: ELECT.1 T,R 8-10	07-21-2011	09-28-2011	P	C	A	20
TAF SCP	VOC TECH: HERBOLOGY	05-27-2011	07-19-2011	P	C	E	60
TAF SCP	ART CAMP	06-06-2011	07-11-2011	P	C	P	12
SAF	R-1/HLT AIDS AWARE	05-06-2010	05-06-2010	P	C	P	1
OAK	CALISTHENICS	02-20-2010	05-04-2010	P	C	P	30
OAK	PT PREP	01-19-2010	04-03-2010	P	C	P	30
OAK	SPANISH LITERATURE/BOOK 28	01-26-2010	02-01-2010	P	C	P	8
OAK	SPANISH LITERATURE/BOOK 69	01-11-2010	01-18-2010	P	C	P	8
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OAK	FAMILY FINANCES (RP3)	12-02-2009	12-02-2009	P	C	P	2
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OAK	SELF-STUDY BS WRITING (RP2)	10-14-2009	10-15-2009	P	C	P	8
OAK	SPANISH LITERATURE/BOOK 35	10-08-2009	10-13-2009	P	C	P	8
OAK	SPANISH LITERATURE/BOOK 23	10-01-2009	10-07-2009	P	C	P	8
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OAK	SPANISH LITERATURE/BOOK 41	09-01-2009	09-08-2009	P	C	P	8

G0002

MORE PAGES TO FOLLOW . . .

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OAK	CALISTHENICS	06-06-2009	08-07-2009	P	C	P	24
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OAK	TEN THINGS (RP6)	07-10-2009	07-11-2009	P	C	P	4
OAK	SELF STUDY/DISAGREEMENT (RP6)	07-13-2009	07-14-2009	P	C	P	8
OAK	SPANISH LITERATURE BOOK 53	07-08-2009	07-13-2009	P	C	P	8
OAK	THE JOY OF STRESS (RP6)	07-08-2009	07-08-2009	P	C	P	2
OAK	INSTEAD OF SPANKING (RP6)	06-12-2009	06-13-2009	P	C	P	4
OAK	NO YELLING (RP6)	05-29-2009	05-30-2009	P	C	P	4
OAK	SELF STUDY/OWN HOME (RP6)	07-07-2009	07-08-2009	P	C	P	8
OAK	WHALES MON/6PM	07-06-2009	07-06-2009	P	C	P	2
OAK	SPANISH LITERATURE BOOK 65	07-01-2009	07-06-2009	P	C	P	8
OAK	SELF STUDY/DISAGREEMENT (RP6)	07-01-2009	07-02-2009	P	C	P	8
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OAK	ABOUT MEXICO/ACE	06-24-2009	06-24-2009	P	C	P	2
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OAK	SPANISH LITERATURE/BOOK 70	05-27-2009	06-03-2009	P	C	P	8
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OAK	POWER STRUGGLES (RP6)	05-01-2009	05-02-2009	P	C	P	4
OAK	LASTING LEGACY (RP6)	05-15-2009	05-16-2009	P	C	P	4
OAK	KEYBOARD CLASS - 9:00-10:30AM	04-06-2009	05-15-2009	P	C	P	40
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OAK	SPANISH LITERATURE/BOOK 12	04-30-2009	05-06-2009	P	C	P	8
OAK	SELF-STUDY VOCABULARY	04-29-2009	04-30-2009	P	C	P	8
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OAK	SELF STUDY/PEERS (RP6)	04-23-2009	04-24-2009	P	C	P	8
OAK	FAMILY FINANCES (RP3)	04-22-2009	04-22-2009	P	C	P	2
OAK	SPANISH LITERATURE/BOOK 3	04-15-2009	04-22-2009	P	C	P	8
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RSP OF: BIG-BIG SPRING FCI

FUNC: PRT

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OAK	HOW TO REALLY LOVE (RP6)	04-03-2009	04-04-2009	P	C	P	4	
OAK	EMP AFTER PRISON (RP2)	04-15-2009	04-15-2009	P	C	P	2	
OAK	SELF-STUDY/COMMUNICATION (RP6)	04-13-2009	04-14-2009	P	C	P	8	
OAK	SELF STUDY/MRKT PLAN (RP3)	03-31-2009	04-08-2009	P	C	P	8	
OAK	COPING (RP6)	04-02-2009	04-02-2009	P	C	P	2	
OAK	SELF STUDY/ETIQUETTE (RP2)	03-23-2009	03-31-2009	P	C	P	8	
OAK	SELF STUDY/SKILLS PORT (RP2)	03-11-2009	03-23-2009	P	C	P	8	
OAK	SELF STUDY/BUDGET (RP6)	02-25-2009	03-02-2009	P	C	P	8	
OAK	SELF-STUDY LIFE PURPOSE (RP6)	02-05-2009	02-25-2009	P	C	P	8	
OAK	SELF-STUDY GOAL SETTING (RP6)	02-02-2009	02-10-2009	P	C	P	8	
OAK	ACE/SUCCESS (RP6)	02-05-2009	02-05-2009	P	C	P	2	
OAK	SELF-STUDY SELF ESTEEM (RPS6)	01-29-2009	02-02-2009	P	C	P	8	
OAK	FOUR STAGES INTERVIEW (RP2)	01-24-2009	01-24-2009	P	C	P	2	

G0000

TRANSACTION SUCCESSFULLY COMPLETED

EXHIBIT - B

T.C.I. EDUCATIONAL SERVICES
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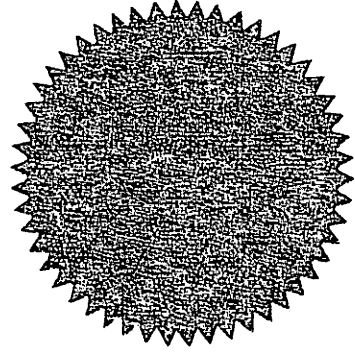
Presented To

Anthony Lamboy

93623-111

In Recognition of Completion
Positive Parenting Course

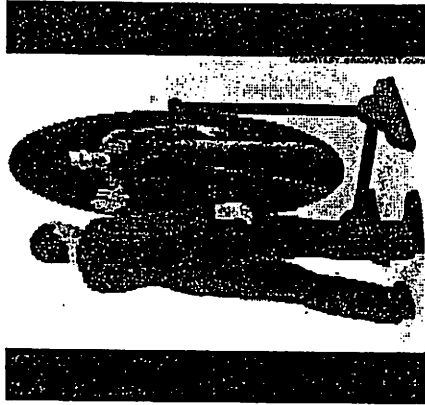
On This 12th Day of June in the Year Two Thousand and Twelve
Taft, California



G. Robinson

G. Robinson, Vocational Instructor

“Man in the Mirror”

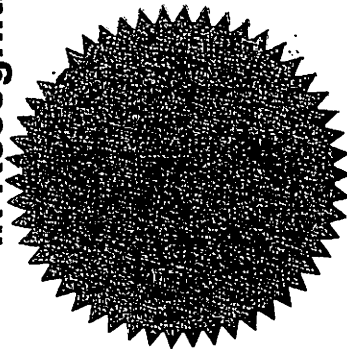


Certificate of Achievement is Presented To

Anthony Lamboy

93623-111

**In Recognition of Participating in the course of Self Reflection
on the 4th day of April 2012
Taft, California**



C. Mann

C. Mann, CCC

CERTIFICATE OF COMPLETION

This certificate is awarded to

Lamboy, Anthony

For the successful completion of the class Self-Discovery



D. Molina, Correctional Counselor

June 4, 2014

Date

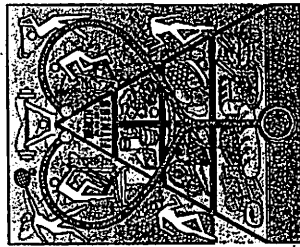




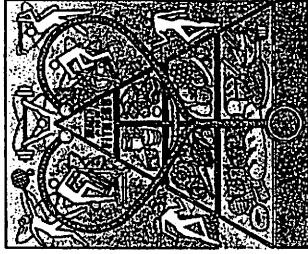
PERSONAL TRAINER



PREPARATION COURSE




Certificate of Completion
FCI Oakdale



Anthony Lamboy

has completed 30 hours of comprehensive study in exercise physiology. Started 1/09/10 - Completed 3/30/10



Curry Darbonne
Sports Specialist

T.C.I. EDUCATIONAL SERVICES
CERTIFICATE OF ACHIEVEMENT

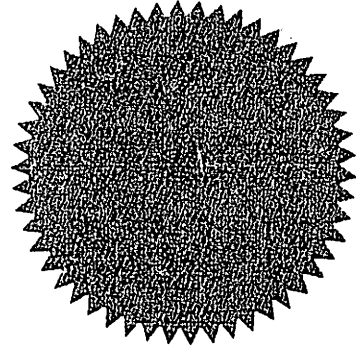
Presented To


Anthony Lamboy

93623-111

In Recognition of Completion
Herbology Course

On This 19th Day of August in the Year Two Thousand and Eleven
Taft, California




Mr. Hudson, Vocational Instructor

M.T.C. EDUCATIONAL SERVICES
CERTIFICATE OF ACHIEVEMENT

PRESENTED TO

Anthony Lambay

93623-111

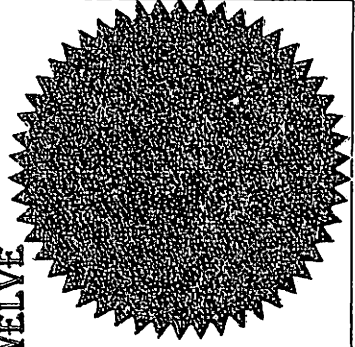
IN RECOGNITION OF COMPLETION
FINANCIAL PLANNING II

ON THIS 20TH DAY OF APRIL IN THE YEAR TWO THOUSAND AND TWELVE

TAFT, CALIFORNIA

V. Shumaker, Case Manager

V. SHUMAKER, CASE MANAGER



M.T.C. EDUCATIONAL SERVICES
CERTIFICATE OF ACHIEVEMENT

PRESENTED TO

Anthony Lambey

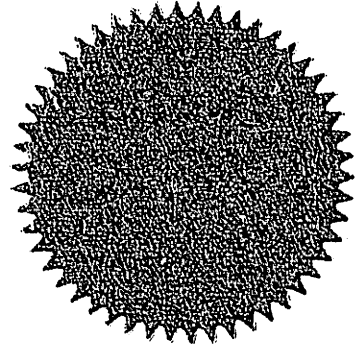
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IN RECOGNITION OF COMPLETION

Financial Planning I

ON THIS 28TH DAY OF DECEMBER IN THE YEAR TWO THOUSAND AND ELEVEN

TAFT, CALIFORNIA



V. Shumaker

V. SHUMAKER, CASE MANAGER

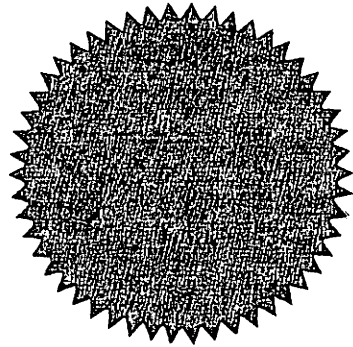
T.C.I. EDUCATIONAL SERVICES
CERTIFICATE OF ACHIEVEMENT

Presented To

ANTHONY LAMBOY #93623-111

In Recognition of Completion
Health & Wellness

On This 18th Day of September in the Year Two Thousand and Twelve
Taft, California



Ms. Wescott, Case Manager



